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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/068,754

02/08/2002

Chris R. Snider

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9283

7590

04/01/2004

STEFAN V. CHMIELEWSKI
DELPHI TECHNOLOGIES, INC.
Legal Staff, Mail Code: A-107
P.O. Box 9005
Kokomo, IN 46904-9005

EXAMINER

COURSON, TANIA C

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,754

Applicant(s)

SNIDER, CHRIS R.

Examiner

Tania C. Courson

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11 and 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>13NOV03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Accordingly, the "Amendment After Final Office Action" received on 23 January 2004 has been entered.

Claim Rejections - 35 USC § 112

2. The 35 USC 112 claim rejection for claims 2-5, 7, 9-11 and 13 of the last Office action, mailed on December 12, 2003, is withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 7-9, 13-14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Gamelsky et al. (6,471,648 B1).

Gamelsky et al. discloses in Figures 1-5, an illuminating indicator comprising:

- a) a translucent base (Fig. 4, inner cap 435, inner member 430 and integral illuminating ring 433 and column 3, lines 61-64) including an outer surface having an upper portion (Fig. 4, inner cap 435) and a lower portion (Fig. 4,

inner member 430 and integral illuminating ring 433 and column 3, lines 61-64), said base defining a translucent halo section located on said lower portion of said outer surface (Fig. 4, inner member 430 and integral illuminating ring 433 and column 3, lines 61-64), an appliqué element mounted on said translucent base (Fig. 4, outer member 440), and an opaque over mold (Fig. 4, overmolded grip 445) mounted on said applique element and covering a portion of said outer surface/upper and lower portions not including said halo section (Fig. 4);

- b) wherein said appliqué element extends to cover said halo section (Fig. 4);
- c) wherein said opaque over mold includes a soft touch surface (column 4, lines 28-31);
- d) a mounting panel (Fig. 4, circuit board 420) adapted to be mounted over/in front of the light source (Fig. 4, light source 450), said lower portion/halo section of said base positioned adjacent said panel (Fig. 4) and wherein said halo section emits light from the light source and illuminates at least a portion of said mounting panel (Fig. 4) when said mounting panel is mounted over the light source (Fig. 4).

With respect to the preamble of the claims 1 and 8: the preamble of the claim has not been given any patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the

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preamble is a self – contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

With respect to method claims 14 and 16: The method steps claimed will be met during the normal operation of the apparatus stated above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5, 10-11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gamelsky et al. in view of Prior Art (specification, page 5, lines 1-3).

Gamelsky et al. disclose an illuminating indicator, as stated above in paragraph 3.

Gamelsky et al. do not disclose an appliqué element including a daytime and a lowlight screening.

The Prior Art teaches the appliqué element that consists of a daytime and a lowlight screening (specification, page 5, lines 1-3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the illuminating indicator of Gamelsky et al., so as to include a daytime and a lowlight screening, as taught by the

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Prior Art, so as to provide a commonly used appliqué materials such as those providing daytime and low light colorations, as disclosed by the Applicant.

With respect to method claim 15: The method steps claimed will be met during the normal operation of the apparatus stated above.

Response to Arguments

7. Applicant's arguments filed January 23, 2004 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gamelsky et al. (US 6,471,648 B1).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art cited on PTO-892 and not mentioned above disclose illuminating devices:

Dorrie (US 6,685,327 B2)

Zysnarski et al. (US 6,590,174 B2)

Tominga (US 5,335,148)

Hasegawa et al. (US 5,093,764)

Morez (US 3,619,594)

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (571) 272-2239.

The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (571) 272-2245.

The fax number for this Organization where this application or proceeding is assigned is (703) 872-9306.



DIEGO F.F. GUTIERREZ
SUPERVISORY PATENT EXAMINER
GROUP ART UNIT 2859

TCC
March 25, 2004